THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No. 19585 of 2003

Dated: 20-08-2007

Between:-

D. Jagadish and another.

..Petitioners

And

The Sub-Divisional Police Officer,
Guntakal, Anathapur district and another.

..Respondents.

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:O R D E R:

It is stated that a case in Cr.No. 170 of 2002 under Sections 452, 506 read with Section 149 of the Indian Penal Code of P.S. Banjara Hills, Hyderabad was registered against the first petitioner, which was pending before the V-Metropolitan Magistrate, Hyderabad in C.C.No. 1142 of 2002. While so, the respondents also included the petitioners in Cr.No. 117 of 2002 of Banjara Hills Police Station, Hyderabad. It is stated that C.C.No. 1142 of 2002 was disposed of by the judgement dated 21-11-2002 acquitting the petitioners. In spite of acquittal in C.C.No. 1142 of 2002, the rowdy sheets opened against the petitioners were not discontinued is the grievance.

Counter affidavit has been filed admitting the acquittal of the petitioners in crime Nos. 41 of 1992 of Guntakal I-Town Police Station, Guntakal and Cr.No. 117 of 2002 of Banjara Hills Police

Station, Hyderabad. It is submitted that both the petitioners are residents of Guntakal town and they are having regular contacts in real estate matters and are threatening the parties to settle the matters out of Court forcibly in several civil litigations. In order to keep surveillance over the activities of the petitioners, rowdy sheets have been opened and continued against the petitioners. The public in the locality are afraid to give complaints against the petitioners due to their fear. In spite of opening rowdy sheets, their rowdy activities were going on. The opening of rowdy sheets and their continuance is strictly in accordance with the A.P. Police Standing Orders.

Under Order 601 of the A.P. Police Manual Part-I Volume 2, rowdy sheet can be opened against habitual offender, but in view of the acquittal of both the cases against the petitioners, it cannot be said that they are habitual offenders. Pendency of a mere criminal case cannot be termed that the suspect has attempted to commit an offence and therefore rowdy sheet can be opened under clause (A) of Order 601. But once the criminal cases are ended in acquittal, there is no provision to continue the rowdy sheets. Under Order 602 (2), only 'history sheets' of the suspect can be continued if his activities are prejudicial to the maintenance of public order or one affecting peace and tranquillity in the area or the victims are not coming forward to give complaint against him on account of threat from him. In view of the fact that a specific plea has been taken by the respondents in the counter that in spite of opening rowdy sheets against the petitioners, they are continuing their rowdy activities, the petitioners can be directed to make a representation to the respondents for consideration of the grievance in accordance with law.

Therefore, the petitioners are directed to make a

representation before the concerned authority for discontinuance of the rowdy sheets opened against them, who upon such representation, may consider and dispose of the same in accordance with law.

The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

Dated: 20-08-2007.
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